

**THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**CYVA RESEARCH HOLDINGS, LLC,**

Plaintiff,

v.

**FILEOPEN SYSTEMS INC.,**

Defendant.

**Civil Action No. 2:15-cv-1540**

**JURY TRIAL DEMANDED**

**MOTION TO DISMISS WITHOUT PREJUDICE**

Plaintiff CYVA Research Holdings, LLC, pursuant to Fed. R. Civ. P. 41(a), hereby moves for a dismissal of all of its claims in this action without prejudice against Defendant FileOpen Systems Inc. Prior to the filing of this notice, Defendant FileOpen Systems Inc. has yet to file an answer or motion for summary judgment.

DATED December 22, 2015.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 22nd day of December, 2015, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Eastern District of Texas, Marshall Division, using the electronic case filing system of the court. The electronic case filing system sent a "Notice of Electronic Filing" to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ Stevenson Moore  
Stevenson Moore